

FRIDAY, January 27th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

Mr. Erath presented the petition of sundry citizens of Waco, praying certain restrictions on the traffic in spirituous liquors.—Referred to the committee on State Affairs.

Mr. Britton presented the petition of A. S. Thurman for money. Referred to the committee on Claims and Accounts.

Mr. Grimes, chairman of the Finance committee, to whom was referred a bill appropriating four hundred dollars to pay the pension of Joseph L. Fields, reported the same to the Senate and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the House bill for relief of K. B. White, reported the same to the Senate and recommended its passage.

Mr. Guinn, chairman of the committee on Claims and Accounts, to whom was referred a House bill for the relief of Mrs. William Gamble late widow of John Carroll, reported favorably thereon and recommended the passage of the bill.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill supplemental to an act to authorize the appointment of Commissioners to take the acknowledgment of deeds, &c., reported the same to the Senate and recommended its passage.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill to amend the twenty-fourth section of an act passed the 27th August, 1856, to consolidate in one act and amend the several acts incorporating the city of Galveston, reported the same to the Senate with an amendment and recommended the adoption of the amendment and the passage of the bill.

#### AMENDMENTS.

In section 1, line 9, after the word "east" strike out the words "and west boundaries of the city of Galveston" and insert "boundary of the city of Galveston, on the east and forty-third street on the west."

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred a House bill for the relief of Alexander Wheeler, reported the same back to the Senate, and recommended its adoption as a substitute for the Senate's bill heretofore reported, and recommend its passage.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts to whom was referred

the memorial of Charles Payne, praying an appropriation of an amount which will be deemed a fair and reasonable compensation for his services as Architect in the building of the State Lunatic Asylum, have had the same under consideration, and instruct me to report: That in proof of his services Mr. Payne adduced before the committee the certificate of C. G. Keenan, superintendent of said Asylum that he (Payne) had performed the duties of Architect. That such is the fact, the committee do not doubt. Messrs. Glascock & Millican were the contractors with the State for the erection of said buildings. There was no evidence before the committee that Mr. Payne's services were necessary or even sought by the State in carrying out said contracts on her part. On the contrary the Commissioners appointed by law to let out and superintend the contract for the erection of said building, assert that they made no contract for Mr. Payne's services, even the superintendent in his certificate above alluded to, does not pretend to assert that Mr. Payne was employed by him. So far then as the justice of the claim against the State is concerned your committee think there is not a shadow of right in it. The law authorizing the erection of said buildings, made no provision for the employment of a State Architect, and if it had made such provision your committee have no evidence that any one was employed. If the State was so unfortunate in letting out the contract for the erection of said building as to give it into hands who were incompetent to execute it according to the plan and specifications without employing a competent person as Architect, your committee think the State should not be taxed with the burthen of supplying the default particularly so when the State was no party or privy to the employment of such person. If unauthorized parties are permitted to contract on behalf of the State, there is no guarantee that the Treasury will not be "leached" in a little while and instead of "money flowing in a continued stream in the Treasury, the money will go out in a ceaseless stream" until even a strict "replenishing system" will not meet the demands upon it. 'Tis well if the State is able to pay the authorized demands upon her, she must be just before she can be generous. In view therefore of these facts your committee recommend that Mr. Payne seek compensation from those who employed him. Aside from the facts in this case the constitution art. 7, sec. 7, general provisions, your committee consider a complete barrier which their constitutional oath will not permit them to overleap. They herewith return the memorial and recommend its rejection, and ask to be discharged from further duty in this behalf that they may be awakened to "sub-

limer themes" than such a system of public gouging, as to them seems presented in this memorial.

Mr. Grimes, chairman of the committee on Finance, to whom was referred the bill authorizing certain counties to levy and collect an additional tax for the purpose of erecting county buildings, reported the bill with an amendment and recommended the passage of the bill as amended.

Amendment: Insert "Van Zandt" after Gillespie in the caption, and the body of the bill.

Mr. Grimes, chairman of the committee on Finance, to whom was referred the bill authorizing the county court of Henderson county to levy a special tax reported the same to the Senate and recommend its passage.

A message was received from the House, that the House had passage the following bills from Senate :

A bill authorizing the heirs, representatives or relatives of dec'd persons to sue for and recover damages where the death of such persons has been caused or occasioned by the negligent, culpable or wrongful act of another.

A bill making appropriations for the protection of the frontier.

A bill for the relief of Joseph Turner.

A bill to amend the 2, 5, 8 and 9 sections of an act, to authorize the sale of the public domain, with amendments.

That the House agrees to the Senate's amendments to a bill to incorporate the Texas and Mexican Railway Company.

Also the following bills originating in the House.

A bill to incorporate the Waco Classical School.

A bill to incorporate the Richmond Insurance Company.

A bill for the relief of W. D. Langham.

A bill for the relief of William Means his heirs or assigns.

A bill for the relief of Thomas S. Smith, of Fort Bend county.

A bill for the relief of Wilson Woods.

A bill to regulate estrays.

A bill for the relief of Martiana Vega Delgado.

A bill for the relief of Daniel Hopkins.

A bill for the relief of the heirs of James Bowie, dec'd.

A bill for the relief of the heirs of John E. Ross.

A bill to reorganize the 16th judicial district and to define the time of holding courts therein.

And a bill to prevent the sale of vinous, spirituous or other intoxicating liquors within one mile of the town of New London in Rusk county, Veal's Station in Parker county and Mt. Enterprise in Rusk county.

Also that the House concurs in the amendments of the Senate to a bill to apportion the State of Texas into Senatorial and Representative Districts.

On motion of Mr. Britton, bill for the relief of Mrs. William Gamble, late widow of John Carroll was taken up. Read 2nd time and passed to a third reading, rule suspended, read 3rd time and passed.

On motion of Mr. Townes, a bill for the relief of John Hearn was taken up. Read 2nd time and passed to a 3rd reading, rule suspended, read 3rd time and passed.

On motion of Mr. Stockdale, a bill concerning common carriers and defining their liabilities in certain cases was taken up. The substitute offered by the Judiciary committee was adopted.

Mr. Stockdale offered the following amendment, add to 4th section the following :

"Provided, that the trip or voyage shall be considered as having commenced from the time of the signing of the bill of lading, and the liability of the common carrier shall attach as at common law from and after such signing. Adopted.

The bill was then passed to a 3rd reading rule suspended, bill read 3rd time and passed.

On motion of Mr. Potter, a bill supplementary to and amendatory of an act entitled an act to adopt and establish a Penal Code for the State of Texas, was taken up. Read 2nd time.

Mr. Herbert offered a substitute for the second chapter.—Lost.

Mr. Guinn moved to strike out from title 19, chapter the words "five hundred" and insert "one thousand." Carried.

Mr. Herbert offered a substitute for chapter 1, title 19, which was withdrawn, and Mr. Herbert then proposed to amend the 653 article by striking out "two" and inserting "five" and by striking out "seven" and inserting "twenty." Lost.

Mr. Quinan moved to insert after "free person" the words "with intent to promote opposition to slavery, to promote the abolition thereof or to bring the institution of slavery into disrepute"

Mr. Rainey offered the following to the amendment :

"The intent to promote opposition to slavery or to promote the abolition thereof, or to bring the institution of slavery into disrepute shall be presumed if such would be the natural consequence of the language or words spoken though no actual proof be made that the defendant had such design."

Mr. Stockdale offered the following as a substitute for the amendments :

Article 653. Any person who shall in the presence or hearing

of any slave utter words to render such slave discontented with his state of slavery, or who shall by words or writing addressed to a slave endeavour to render such slave discontented with his state of slavery, shall be punished by confinement in the Penitentiary not less than five nor more than fifteen years.

Art. 653 a. Any free person who shall publicly maintain that masters have not right of property in the slaves, either by speaking writing or printing, shall be punished by confinement in the Penitentiary not less than two nor more than five years.

Art 653. b. Any free person who shall privately, or otherwise than publicly maintain, that masters have not right of property in their slaves, with purpose to bring the institution of African slavery into disrepute in the mind of any free inhabitant of this State or of any resident for the time being therein, shall be punished by confinement in the Penitentiary not less than two nor more than five years, which was adopted.

The amendment was then adopted.

On motion of Mr. Hart, the bill was laid on the table in order that the House bills might be taken up and referred to the appropriate committee.

The following bills were severally read 1st and 2nd times and referred to the committee on Private Land Claims :

A bill for the relief of Thomas S. McFarland.

A bill for the relief of William De Woody.

A bill for the relief of John F. Wilson, T. N. Robertson and the heirs of Mark Copeland, dec'd.

A bill for the relief of W. D. Langham.

A bill for the relief of the heirs of William L. Fleming, a settler in Mercer's Colony.

And a bill for the relief of Sarah Mills.

A bill for the relief of Wilson Woods.

A bill for the relief of William Means, his heirs or assignees.

A bill for the relief of Daniel Hopkins.

A bill for the relief of Matiana Vega Delgado.

A bill for the relief of the heirs of John E. Ross.

A bill for the relief of Thomas J. Smith of Fort Bend county one of the survivors of Col. J. W. Fannin's command

The following bills were severally read 1st and 2nd times and referred to the committee on Education:

A bill appropriating five leagues of land to each county of the State for the support and maintenance of free public schools.

A bill to amend an act to incorporate the Harman University, approved 27th January, 1844.

A bill for the endowment of Professorships in the Colleges, Academies, &c., of Texas.

A bill to revive and continue in force an act to incorporate the Jefferson Railroad Company, approved February 2nd, 1854. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to incorporate the Trinity Valley Railroad Company.— Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to prevent the sale of vinous spirituous and other intoxicating liquors within one mile of the town of New London in Rusk county, Veales' Station in Parker county and Mt. Enterprize in Rusk county. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill to reorganize the 16th judicial district of the State of Texas, and to define the times of holding courts therein. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill to regulate estrays. Read 1st and 2nd times and referred to the committee on Stock and Stock Raising.

A bill for the relief of the heirs of James Bowie, deceased.— Read 1st and 2nd times and referred to committee on Court of Claims.

A bill for the relief of Richard B. Wardroup. Read 1st and 2nd times and referred to the committee on Claims and Accounts.

A bill granting to R. B. Francis the right to build a bridge.— Read 1st and 2nd times and referred to the committee on Roads Bridges and Ferries.

A bill to incorporate the Waco Classical School. Read 1st time.

On motion of Mr. Erath, the rule was suspended, read 2nd time.

Mr. Quinan offered the following amendment :

Add to the last section the words 'and shall continue in force for twenty years and no longer.' Adopted, and bill passed to a 3rd reading, rule further suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Martin, Parsons, Pitts, Potter, Rains, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker and Wallace—26.

NAYS—none.

A bill to incorporate the Richmond Insurance Company. Read 1st time.

On motion of Mr. Quinan, rule suspended, read 2nd time and passed to a 3rd reading, rule further suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Martin, Parsons, Pitts, Potter, Quinan, Rains, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker and Wallace—28.

NAYS—none.

Mr. Townes, from the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, have examined the following bills, to-wit :

A bill to authorize the use of the United States Bonds, set apart to the University of Texas, to meet appropriations made for frontier protection.

And a bill to incorporate the Washington County Cotton and Woolen Manufacturing Company, and find the same correctly enrolled, duly signed, and that they were this day presented to the Governor.

Mr. Townes introduced the following resolution :

*Resolved by the Legislature of the State of Texas*, That our Senators and Representatives in Congress be requested to use their influence to obtain the passage of an act of Congress, appointing a mail stage route from the city of Austin to some point on the overland mail stage route from St. Louis to El Paso, so as to connect Austin and El Paso in a route affording mail facilities.

2nd. That the Governor be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress, and that this resolution take effect from and after its passage. Read 1st time.

Mr. Rainey introduced the following resolution :

*Resolved*, That the committee on the Militia be instructed to enquire into the propriety of providing for the creation of an Arsenal for the safe keeping of the State arms and for a thorough organization of the militia of the State of Texas, and that said committee be requested to report back by bill or otherwise.—Adopted.

Mr. Sims introduced a bill to incorporate the Clarksville and Red River Insurance Company. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Throckmorton introduced a bill to legalize the official acts of the county officers of Montague county. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Potter introduced a bill relating to the pay of grand and petit jurors in Harrison county. Read 1st time.

On motion of Mr Potter, rule suspended, read 2nd time and ordered to be engrossed, rule further suspended, read 3rd time and passed.

Mr. Stockdale moved to reconsider the vote which laid on the table, bill to provide for the election of Representatives to Congress of the United States and amendments thereto and to lay that motion on the table until Monday. Carried.

Mr. Hart moved to adjourn until to-morrow 10 o'clock. Lost.

Mr. Guinn moved to adjourn until 9 o'clock, to-morrow. Lost by the following vote :

YEAS—Messrs. Fall, Guinn, Hart, Herbert, Martin, Parsons, Scarborough Sims, Throckmorton and Wallace—11.

NAYS—Messrs. Blanch, Chambers, Dickinson, Gentry, Harman, Hyde, Pitts, Potter, Quinan, Rains, Rainey, Schleicher, Shepard, Stockdale, Townes, Walker and Whaley—16.

On motion of Mr. Shepard the Senate adjourned until 1-2 past 9 o'clock, to-morrow morning.

SATURDAY, January 28th, 1863.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Britton presented the petition of John Brown and Wm. Davenport for money. Referred to the committee on Claims and Accounts.

Mr. Duggan presented the petition of sundry citizens of Guadalupe county in relation to the boundary line of said county. Referred to the committee on Counties and County Boundaries.

Mr. Guinn, chairman of the committee on Claims and Accounts, to whom was referred a bill for the relief of the widow and heirs of Lorenzo DeZavalla, reported the same to the Senate and recommended its passage.

Mr. Guinn, chairman of the committee on Claims and Accounts, to whom was referred a House bill for the relief of Richard B. Wardrup, reported the same to the Senate and recommended its passage.

Mr. Duggan, chairman of the committee on Counties and